IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 8394 of 2004(Y)

AGAINST THE ORDER IN EP.NO.107/2002 IN OS.112/1991 of SUB COURT, CHERTHALA

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PETITIONER:

V.G.JOHN, MULAKKAL HOUSE, VALAMANGALOM P.O., THURAVOOR.

BY ADV. SRI.T.M.ABDUL LATHEEF
SMT.P.RESHMA KABIR

RESPONDENTS:

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1. CORPORATION BANK, REPRESENTED BY ITS MANAGER, THURAVOOR, ALLEPPY DISTRICT.

2. MANAGER, CORPORATION BANK, THURAVOOR, ALLEPPEY DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC8394/04)

PETITIONER'S EXTS.:

EXT.P1: EXECUTION PETITION NO.107 OF 2002 IN O.S.112 OF 1991 FILED BY THE RESPONDENT BEFORE THE SUB COURT, CHERTHALA DATED NIL.

EXT.P2: ORDER 21 RULE 66 NOTICE DATED 10.10.2003 ISSUED TO THE BROTHER OF THE PETITIONER VIZ.GEORGE MATHEW.

EXT.P3: PETITION DATED 29.9.2003 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.8394 of 2004

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Dated: 20th June, 2007

JUDGMENT

This Writ Petition is remaining defective for want of service of notice to the respondents.

2. Having gone through the Writ Petition and having heard the submissions of Mr.T.M.Abdul Latiff, learned counsel for the petitioner, I am of the view that the only relief which the petitioner can aspire for is a direction to the 1st respondent to consider the proposal, if any, for one time settlement. I am of the view that without waiting for service of notice on the respondents, the said relief can be granted to the following extent:

If the issue is not yet settled between the parties, the petitioner is permitted to file an application for one time settlement before the 1st respondent-Bank. If the Bank receives such an application from the petitioner within six weeks from today, the 1st respondent-Bank will consider that application and take a just and fair decision on the same taking into account all relevant circulars of the Reserve Bank of India which are applicable for one time settlement. If the petitioner is desirous of a personal hearing, it is open to him to make a request in that regard to the respondent-Bank and the Bank will allow that

request.

The Writ Petition is disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**